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SUBJECT: GENEVA DISCUSSIONS ON GEORGIA: SOME POSITIVE TALK,
LITTLE TO SHOW

Classified By: Peter Mulrean, RMA Counselor, Reasons 1.4 b and d

¶1. (C) Summary: At the seventh round of Geneva discussions on Georgia on September 17, all sides were fairly constructive at the outset, with everyone agreeing that the Incident Prevention and Response Mechanisms (IPRMs) were working better than they had been initially. Discussions on the main topic, a non-use-of-force agreement (NUF), became bogged down in political posturing and semantics, however, and little concrete progress was made. Georgian Deputy Foreign Minister Bokeria started out with a more confrontational opening statement than usual, questioning the success of the Geneva talks in general, but showed flexibility and practicality as the day progressed. Russian Deputy Foreign Minister Karasin was relatively quiet, but laid down a firm marker on the need for an NUF to be signed between Georgia on the one hand and the de factos on the other. EU Special Representative Morel worked hard to find areas of agreement, at times stretching to exaggerate the productivity of the session. South Ossetian "presidential" representative Chochiev was on better-than-average behavior, generally avoiding emotional language and tirades, though he showed a bit of the old obstinacy on the IPRM issue. There was no explicit mention of the Afghanistan battalion training in the sessions, but Chochiev made vague remarks about Georgia preparing for renewed aggression, and Karasin linked the training to the alleged "rearmament of Georgia" during his press remarks. Parties agreed the next round of talks would take place November 11. End summary.

¶2. (C) Basic positions: In his initial, uncharacteristically forceful statement, Bokeria expressed frustration with the lack of progress on major issues at Geneva, such as cease-fire implementation, IDP returns, and continued limitations on movements across the boundaries. He added that in general Georgia still feels insecure in the face of continuing Russian occupation and therefore seeks arrangements not to recommit to the idea of the non-use of force, but to ensure the idea's implementation. He highlighted a proposal not only giving international monitors access to South Ossetia and Abkhazia, but establishing an executive police force. Karasin focused on Georgia as the primary threat in the region, insisting that recovery of the regions by military means remains a political priority for Georgia. Drawing a parallel with the so-called "Medvedev-Sarkozy Plan" between Russia and the EU, in which Saakashvili supposedly played only a bit part, he portrayed Russia and the EUMM as equally disinterested third parties that guarantee security on their respective sides of the administrative boundaries. He praised the EUMM as having played a key role in keeping Georgia in check. Without making any specific allegations, Chochiev said that Georgia was still re-arming.

¶13. (C) As expected, NUF discussions were the highlight of the 7th round in Working Group 1 (WG1). Karasin started in by asserting that previous "reasonable" Russian proposals regarding the renewal of OSCE and UN mandates had been rejected; however, this was in the past, and now the security situation was noticeably improved with the Russians providing security in Abkhazia and South Ossetia, just as EUMM does on the Georgian side (thus equating the two in a manner the Georgians later objected to). He even went so far as to praise the international agencies involved in the IPRM mechanism. As a consequence, the real need now was for a political commitment between Georgia and South Ossetia and Abkhazia. He went over in some detail the provisions of the paper that the Russians had handed over in a previous session. His remarks suggested, though they did not say explicitly, that the Russians might attempt to raise these issues in other fora (UN and OSCE) in the context of security discussions in those arenas.

¶14. (C) DAS Kaidanow urged all sides to set aside status questions and focus on the substance of what a viable NUF might contain, rather than the contentious question of who would sign the document (a theme later echoed by the Georgians). Verbeke made similar comments, noting that there were a variety of forms any NUF might take, but it was important to detail what the content of an NUF might look like and what implementing measures it would prescribe. Predictably unhelpful throughout, South Ossetian rep Chochiev suggested the Georgian refusal to sign an agreement now was a

sign it was committed to aggression. In what became a repeated effort to link the issues of humanitarian access/IDPs and refugees with the NUF concept, he proposed combining WG1 and WG2, which the co-chairs neatly rebuffed. Bokeria reiterated several times that Georgia already considers itself to be under a legally binding NUF agreement (August 12 cease-fire), and pointed out that Georgia would only consider a NUF agreement with Russia, and it would have to contain serious and implementable measures to increase the international presence in the two regions. Morel observed that a few months earlier, all sides had been close to agreeing on modalities for renewed UN and OSCE observation missions, and the implementing measures suggested by the co-chairs derived from those draft renewals. Karasin and the two de factos, however, continued to insist that the basic issue of signatories should be resolved first and would not agree to settle on the principles elaborated in the co-chairs, non-paper as a basis for a future framework document, though the Georgians pushed them on this issue.

¶15. (C) Morel proposed the co-chairs should consult with all parties before the next round and prepare some basic principles for a framework of a draft non-use-of-force agreement. Karasin insisted the framework focus on existing drafts, and argued the non-paper circulated just prior to this 7th round was insufficiently fleshed out to form the basis of a proper framework, though his real point was that he would not agree to the specific principles elaborated in the non-paper (on international monitoring presence, separation of forces, etc). Bokeria said the non-paper circulated by the Co-Chairs was a firm foundation, but that Georgia might propose additions (such as executive policing power). The Co-Chair agreement to work on this document became the day's only deliverable, though the parties could not even agree on a formal title for the framework, and the co-chairs agreed to skirt the title issue in their public comments.

¶16. (C) As in the 6th round, all sides agreed the IPRMs are useful and important and noted progress, including more

consistency in meetings. Haber acknowledged South Ossetia's removal of preconditions and improvement in cooperation. Both Karasin and Chochiev helpfully expressed openness to establishing a new roving OSCE presence, comparable to the new roving UN presence, that would enable the OSCE to have people on the ground and therefore be in a better position to contribute to the work of both the IPRMs and the Geneva process in general. South Ossetia did raise the chairmanship issue, proposing three possible variants (all of which Georgia has rejected in earlier discussions): a rotating chair between Georgia and South Ossetian de facto authorities; a rotating chair among all the parties; and a joint EUMM-Russia chairmanship. With no consensus on the chairmanship issue, Morel proposed agreeing to disagree. South Ossetia also expressed interest in minutes of the meetings, or "protocols," prepared by a chairman, but said it would not accept minutes prepared by the EUMM. Haber suggested that the EUMM could prepare a first draft minutes and then circulate them for comments by all parties.

Ships

¶7. (C) As expected, the Abkhaz condemned Georgian seizure of ships as "piracy" and called it a serious test of the Geneva process. Russia referred to the "piracy" issue once as part of its arguments for non-use of force agreement between Georgia and the separatists, but otherwise did not harp on the issue. Georgia said that, in accordance with international law, it would address the issue with Turkey and the flag country of the vessels, but not with the Russians or Abkhaz. Morel said that Turkey and Georgia had established a working group, and that international best practice would be to allow that mechanism to work. The issue was not raised again during the day, nor was it raised in the press conference afterwards.

Detentions

¶8. (C) Both Georgia and the de facto South Ossetian authorities expressed concerns on this issue. Haber said EUMM was ready to continue helping, but noted he did not have any formal investigation authority. Morel raised the idea of a second commission to address the issue, though Chochiev asked why that was necessary since the IPRM had been working. Morel noted that a separate commission could include groups outside the Geneva Talks, such as ICRC.

IDPs and Humanitarian Issues

¶9. (C) Working Group 2 (WG2) was side-tracked only briefly by angry remarks about the UNGA resolution on Georgian IDPs. Abkhaz Lana Agbba insisted that the resolution did not provide a context for refugee returns, taking no account of the "countries" to which displaced persons would return. She accused the international community of "trying to get things done unilaterally" and of considering politics, not people. Russia's Mikhail Lebedev accused Georgia of undermining the Geneva discussions through unilateral action and stated that Russia had been offended by not having been consulted on the resolution in advance - an accusation the Georgians easily dismissed.

¶10. (C) The group turned to a non-paper circulated the day before the session called "Agreed Undertakings," in which the Co-chairs had distilled key points of agreement participants, views in previous rounds on rehabilitation, water supply, status of displaced persons, facilitation of returns, and property issues. South Ossetia's delegation immediately objected to the opening paragraph stating that the participants, "based on previously agreed principles, agree to move forward," and they insisted on the need to

define those principles. The Russian delegation took it further and disputed that the participants had ever agreed on principles.

¶11. (C) Rather than take up the substance of the non-paper, however, the other WG2 participants focused on what was missing. The Georgian delegation cited the omission of a discussion of access (referring to both access of humanitarian actors to South Ossetia -- which the U.S. strongly supported -- and access of ethnic Georgians in Abkhazia to Georgian territory, especially unhindered passage across the ABL for children attending school in undisputed Georgia. The Georgians pushed for inclusion of protection of human rights as an agreed principle, alleging systematic human rights violations in the Gali region of Abkhazia. Objecting to press statements from previous working group sessions that asserted progress not commensurate with the Georgians, assessment of proceedings, the delegates insisted that conclusions should not report that the group had made progress until there was agreement on all elements of the non-paper. A member of the Georgian delegation told us privately that inordinately positive statements emanating from the discussions supported Russian efforts to move more issues into the Geneva Discussions, where the de facto authorities had a greater voice than in other international fora.

¶12. (C) The Russians and South Ossetians reverted to familiar arguments that progress on WG2 issues was only possible once an environment of trust had been created, including resolving thorny issues being handled by WG1. The South Ossetians raised again the cases of specific missing persons and unjust detentions and ignored Georgian offers of an immediate exchange of all detainees. The Abkhaz were not specific, but pushed for time to draft comments to the non-paper. U.S. interventions and side discussions continued to urge pragmatism, commended the utility of the non-paper, called on the Georgians to accept incremental progress, and urged all participants to maintain sight of our objectives: continuing support for humanitarian activities and working toward creation of conditions conducive to safe, voluntary, and dignified returns.

¶13. (C) The group eventually came to agreement on a redrafted opening paragraph for the co-chairs, paper, but failed to reach consensus on priorities, deferring discussion until they had an opportunity to submit comments on the non-paper and additional areas for consideration. Even the chairs, attempts to summarize the accomplishments of WG2 in the traditional post-session press communique devolved into an unseemly argument when participants disputed that they agreed to consider any particular areas or sectors for humanitarian intervention, either the five original or any additional ones.

¶14. (C) COMMENT. Despite the good feelings over the IPRMs, improved functioning and the improved security environment in general, the session did not accomplish much. The IPRMs have helped reduce, although not eliminate, the immediate security concerns over regular shootings, explosions and other incidents, so the Geneva talks can begin to move on to some of the underlying issues. These questions, like comprehensive arrangements for ensuring security and IDP returns, are less pressing, but more contentious, and it is therefore likely to take longer to make concrete progress. This session saw the first tentative steps toward tackling those thorny issues, and the circular discussions about such red herrings as a non-use of force agreement (which is unlikely ever to be concluded) indicate the difficulty of making real progress. There are still some areas, especially in Working Group 2, that offer opportunities for rapid

progress on what should be non-controversial topics, such as humanitarian access and water distribution. Despite the stonewalling in WG2, we should continue to reach for what should be low-hanging fruit in those areas. Nevertheless, as we prepare for future sessions, we will need to think

carefully about where real progress is actually possible, and what we will need to do either within or outside Geneva to enable that progress.

GRIFFITHS